

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JUDITH FIELDER and WILLIAM FIELDER,

Plaintiffs,

v.

LATIUM USA TRADING LLC, d/b/a
SUPERIOR MASON PRODUCTS, MICHAEL
TURNER, and UNITED STATES FIRE
INSURANCE COMPANY,

Defendants.

Civil Action No. 5:21-CV-00432

JUDGMENT

The above-styled civil action was tried before a jury from February 27, 2023, through March 3, 2023. The jury rendered a verdict in favor of Plaintiffs as to their claims against Defendants. Judgment is entered in favor of Plaintiffs Judith Fielder and William Fielder as to their claims against Defendants Latium USA Trading LLC, d/b/a Superior Mason Products, Michael Turner, and United States Fire Insurance Company.

Upon completing their Phase I deliberations, the jury awarded damages to Plaintiff Judith Fielder in the amount of \$4,765,000.00 for her past and future medical expenses and non-economic damages and to William Fielder in the amount of \$250,000.00 for loss of consortium. The jury allocated fault as follows: 10% to Plaintiff Judith Fielder, 30% to Defendant Michael Turner, and 60% to Defendant Latium USA Trading LLC. The jury further found that Defendant Michael Turner acted in bad faith and found by clear and convincing evidence that the Plaintiffs were entitled to punitive damages.

Upon completing their Phase II deliberations, the jury awarded Plaintiffs \$1,880,400.00 for attorneys' fees and costs of litigation and \$20 million (\$20,000,000.00) for punitive damages.

Latium USA Trading LLC admitted vicarious liability for any judgment entered against Michael Turner in this action. United States Fire Insurance Company is directly liable for the verdict rendered against Michael Turner and Latium USA Trading LLC pursuant to Georgia law.

The Court finds, over Plaintiffs' objection to the constitutionality of the statutory punitive-damages cap, that it is required by O.C.G.A. § 51-12-5.1(g) to reduce the punitive-damages award to \$250,000.00. Additionally, the Court finds that Plaintiffs sent an unliquidated-damages demand to Defendants, pursuant to O.C.G.A. § 51-12-14, for a total amount of \$6,000,000.00. That demand was rejected on August 30, 2021. The Defendants have withdrawn their objection to application of § 51-12-14 and all parties agree Plaintiffs are entitled to an award of pre-judgment interest in the amount of \$565,070.00.

In accordance with this verdict and Georgia law on apportioning damages in accordance with percentages of fault, including reduction of Plaintiffs' compensatory damages by the 10% of fault attributed to Judith Fielder, **JUDGMENT IS HEREBY ENTERED** in favor of Plaintiffs as follows:

- Against Michael Turner, Latium USA Trading LLC, and United States Fire Insurance Company, jointly and severally, in the amounts of \$1,429,500.00 for compensatory damages of Judith Fielder, \$75,000.00 for compensatory damages of William Fielder, and \$1,880,400.00 for the Plaintiffs' attorneys' fees and expenses, for a total of **three million three hundred eight-four thousand nine hundred dollars (\$3,384,900.00)**;
- Against Latium USA Trading LLC and United States Fire Insurance Company, jointly and severally, in the amounts of \$2,859,000.00 for compensatory damages of Judith Fielder and \$150,000.00 for compensatory damages of William Fielder, for a total of **three million nine thousand dollars (\$3,009,000.00)**;
- Against Michael Turner and Latium USA Trading LLC, jointly and severally, in the amount of **two hundred fifty thousand dollars (\$250,000.00)** for punitive damages; and

- Against Michael Turner and Latium USA Trading LLC, jointly and severally, in the amount of **five hundred sixty-five thousand seventy dollars (\$565,070.00)** for pre-judgment interest.

Accordingly, the total judgment in favor of Plaintiffs and against all three Defendants is **seven million, two hundred eight thousand, nine hundred seventy dollars (\$7,208,970.00)**, together with post-judgment interest at the statutory rate of the weekly average 1-year constant maturity Treasury yield for the week ending March 3, 2023, pursuant to 28 U.S.C. § 1961, and costs of Court as provided by Federal Rule of Civil Procedure 54(d)(1).

This 10th day of March, 2023.

s/ David W. Bunt
CLERK OF COURT

APPROVED BY:

S/ Tilman E. Self, III
TILMAN E. SELF, III
UNITED STATES DISTRICT JUDGE

Submitted at the request of the Court by:¹

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¹ Plaintiffs' objection to application of the punitive-damages cap is preserved.